UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,988	10/31/2001	Arthur Lane Bentley		6034

7590 07/07/2006

Arthur Lane Bentley
10252 South 2375 East
Sandy, UT 84092

EXAMINER	
SHAPIRO, LEONID	

ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,988	BENTLEY, ARTHUR LANE	
	Examiner	Art Unit	
	Leonid Shapiro	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,15-17,19-22 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *3,15,19-22 and 29* is/are allowed.

6)☒ Claim(s) *16* is/are rejected.

7)☒ Claim(s) *17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Altman, USPN 6,239,774 B1.

Claim 16

Altman teaches a kinetic apparatus [wand 1] for producing visual displays based on the persistence of vision effect of human vision comprising:

a lighted array [column of lights 2] of light emitting elements. Altman, col. 3, lines 4 – 49; and figure 1.

a controller [processor 14] is coupled to the elements of the lighted array [column of lights 13]; the controller is programmed to deliver display data in a piecewise fashion to said lighted array. Altman, col. 5, lines 25 – 61; and figure 3.

a multi-degree sensor for detecting angular motion of lighted array; said controller (figure 3, items 14, 18) is programmed to process changes in inertia detected by multi-degree sensor. Altman, col. 4, lines 7 – 59; and figures 2A & 2B.

Allowable Subject Matter

6. Claims 3,15,19-22 and 29 are allowed.

Relative to independent claim 15 the major difference between the teaching of the prior art of record (Altman, Ohta et al. Bell and Molinaroli) and the instant invention is that a controller in communication with said array and programmed to count a number of **adjacent inertia reversals** detected by said inertia reversal sensor and to modify the display data delivered in a columnar piecewise fashion to said lighted array.

Relative to independent claim 19 the major difference between the teaching of the prior art of record (Altman, Ohta et al. Bell and Molinaroli) and the instant invention is that the lighted array is slanted, arched, angled, or pointed, such that the eyes of the observer are thereby guided to scan the array in the direction pointed to by the array, so that the observer will see a persistence of vision image which is correctly oriented when the observer's eyes scan in the direction indicated.

Relative to independent claim 21 the major difference between the teaching of the prior art of record (Altman, Ohta et al. Bell and Molinaroli) and the instant invention is that an inertia reversal sensor to detect the completion of a first half-cycle swing of the lighted array from a first position to a second position and to detect the completion of a return half-cycle swing of the lighted array from the second position back to the first position; wherein the controller uses only the memstlre of the time interval between the completion of the first half-cycle swing and the completion of the return half-cycle swing to determine the timing of lighting sequence of the light emitting elements of the array during a display half-cycle swing immediately following the return half-cycle swing so that the image displayed by the lighted array is synchronized with the movement of the lighted array.

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relative to claim 17 the major difference between the teaching of the prior art of record (Altman, Ohta et al. Bell and Molinaroli) and the instant invention is that the apparatus mounted for pivotal movement about a central point, such that the lighted array rotates at a variable speed around the circumference of a circle; thereby producing a visual display of text or graphics which appears stable or precedes or recedes arotmd said-central pivot point.

Response to Arguments

7. Applicant's arguments filed 04.21.06 have been fully considered but they are not persuasive:

On page 16, second to fourth paragraphs, Applicant's stated in relation to independent claim 16, that Altman discloses a bilateral type sensor intended for, and capable of, sensing to-and fro motion reversals. However, Altman teaches exactly a multi-degree sensor for detecting angular motion. It is understood that this sensor is used for detecting angular motion (See Figs. 1-3) and this motion is more than single-degree.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (a multi-degree sensor for detecting angular motion as disclosed by Applicant) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
07.06.06

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600